

REMARKS/ARGUMENTS

The amendments and remarks presented herein attend to all outstanding issues in the pending non-final Office Action of June 10, 2003. Claims 17 and 38 are amended to correct a typographical errors. No new material is added. Claims 1-39 remain pending in this application.

Double Patenting

2. The Examiner rejected claims 1-39 under the judicially created doctrine of obviousness-type double patenting over claims 1-22 of U.S. Patent No. 6,723,971. This application and U.S. Patent 6,723,971 are related, in that both are commonly owned by the Trustees of Dartmouth College. A Terminal Disclaimer and the \$110 fee required for a large entity under 37 C.F.R. §1.20(d) for filing of a terminal disclaimer are filed herewith to overcome the double patenting rejection.

Rejections under 35 U.S.C. §102

3. Claims 1, 15, 24 and 31 stand rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 3,316,344 granted to Kidd et al (hereinafter "Kidd").

To anticipate a claim, Kidd must teach every element of the claim and "the identical invention must be shown in as complete detail as contained in the ... claim." *MPEP 2131* citing *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987) and *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989). Kidd does not teach every element of claims 1, 15, 24 and 31.

Kidd discloses a magnetic material for coating a conductor of alternating current such that prevention of ice formation is accomplished (col. 1, lines 18-35). Kidd's invention is based upon a magnetic field generated by alternating current through a conductor, whereas Applicants' invention is based upon a high-frequency alternating electric field generated by a high-frequency alternating voltage in the electrical conductor.

The coating of Kidd is incapable of absorbing energy directly from an alternating electric field; instead, an alternating magnetic field is required to generate heat through eddy currents and hysteretic effects.

Claim 1 recites a system for de-icing a surface of a cableway system component, and requires the following elements:

- a) an electrical conductor proximate to the surface, and
- b) an AC power source for providing a high-frequency AC voltage in the electrical conductor that generates a high-frequency alternating electric field at the surface sufficient to melt ice at the surface.

Contrary to the Examiner's assertion, Kidd does not teach the elements of claim 1. Kidd requires that a coating generate heat in the presence of a magnetic field. The system of claim 1 does not require a specific coating; heat is generated by dielectric loss within the ice itself.

The system of claim 1 discloses that a surface of a cableway to be de-iced is proximate to an electrical conductor carrying the AC field. Since Kidd does not disclose the elements of claim 1, it cannot anticipate claim 1 under 35 U.S.C. §102. As pointed out by the Examiner, Kidd utilizes a frequency of 60Hz, which is not a high-frequency in the range 60 KHz - 100 KHz, as specified by the immediate application. See at least: page 3, lines 13-15; page 4, lines 8-10; page 6, lines 20-21; and page 7, lines 9-10.

Reconsideration of claim 1 is requested.

Claim 15 recites a system for melting ice on a cableway system component, and includes the following elements:

- a) a first electrical conductor disposed at a distance of about from 0 to 30 cm from the ice, and
- b) an AC power source for providing a high-frequency AC voltage in the first electrical conductor so that the AC voltage generates a high-frequency alternating electric field in the ice.

As previously noted, Kidd requires a magnetic material, disposed on the surface of an object to be de-iced, to generate heat. Note that claim 15, like claim 1, does not require

such a magnetic material. Kidd also does not teach that a conductor disposed at a distance 0-30cm from the ice, as in element b of claim 15.

Reconsideration of claim 15 is requested.

Claim 24 recites a method for de-icing a surface of a cableway system component, and has an element of applying a high-frequency AC voltage to an electrical conductor that is located proximate to the surface, to generate a high-frequency alternating electric field that melts ice at the surface. Claim 24, like claims 1 and 15, does not require a magnetic material, located on the surface to be de-iced, to absorb the high-frequency alternating electric field to generate heat. Therefore Kidd cannot anticipate claim 24.

Reconsideration of claim 24 is requested.

Claim 31 recites a method for melting ice on a cableway system component, including an element of applying a high-frequency AC voltage to a first electrical conductor that is located at a distance of about from 0 to 30 cm from the ice, to generate a high-frequency alternating electric field that melts the ice. As above, claim 31 does not require a magnetic material disposed on a surface to generate heat that melts ice, as in Kidd.

Reconsideration of claim 31 is requested.

In view of the above remarks, Applicants contend that the claims are allowable over Kidd. Reconsideration and allowance of claims 1-39 are respectfully requested.

Conclusion

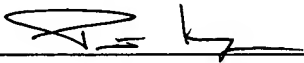
In view of the above Amendments and Remarks, Applicants have addressed all issues raised in the Office Action dated June 10, 2004, and respectfully solicit a Notice of Allowance. Should any issues remain, the Examiner is encouraged to telephone the undersigned attorney.

Applicants believe no fees are due, however, if any fee is deemed necessary in connection with this Response, please charge Deposit Account No. 12-0600.

Sincerely yours,

LATHROP & GAGE L.C.

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